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November 13, 2007

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Hon. Shira A. Scheindlin  
U.S. District Court  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
Chambers 1620  
New York, NY 10007

Re: John A. Aretakis v. Robert Durivage, Timothy Nugent, Town of North Greenbush and  
Robert D. Wells  
USDC/SDNY  
Case No. 07-cv-5444  
Hon. Shira A. Scheindlin

Dear Judge:

Our office represents defendant Robert Wells relative to the above-captioned. We are in receipt of a copy of a letter directed to chambers by plaintiff, pro se, John A. Aretakis dated November 12, 2007.

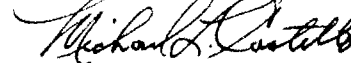
The motion pending on behalf of defendant Wells, returnable November 16, 2007, seeks relief in the form of an extension of time, pursuant to F.R.C.P. 6(b)(1), to answer or otherwise move with respect to the complaint pending a response by the Court to the pre-motion request filed on October 30, 2007, pursuant to Individual Practice Rule III (A). The pre-motion conference was requested for the purpose of advancing a motion for change of venue, pursuant to 28 U.S.C. §§ 1391(b) and 1404, and dismissal of the amended complaint pursuant to F.R.C.P. 12(b)(6).

Prior to filing the notice of motion for extension of time, the undersigned engaged in a letter exchange with plaintiff, pro se, John A. Aretakis in which the undersigned requested "an extension of time to answer or otherwise move against the amended complaint in the above-captioned until such time that the pre-motion conference is scheduled and subsequent motions are decided in accordance with the Federal Rules of Civil Procedure and Individual Rules and Procedures of Judge Scheindlin. If you oppose this extension request please contact our office immediately and we shall advise the Court." Mr. Aretakis never responded to this request and the letter exchange.

Thank you for your attention to this matter.

Respectfully yours,

TOBIN AND DEMPFF, LLP



Michael L. Costello  
(MC 5378)

MLC/slc

cc: John A. Aretakis, Esq.  
Thomas J. O'Connor, Esq.  
Thomas K. Murphy, Esq.